

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

*In Re: American Medical Systems, Inc., Pelvic Repair System
Products Liability Litigation
MDL No. 2325*

Civil Action No. 2:14-cv-19141

SHORT FORM COMPLAINT

Come now the Plaintiff(s) named below, and for their Complaint against the Defendants named below, incorporate The First Amended Master Complaint in MDL No. 2325 by reference.

Plaintiff(s) further show the court as follows:

1. Female Plaintiff

Ellen Page

2. Plaintiff Spouse

David Page

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator)

N/A

4. State of Residence

North Carolina

5. District Court and Division in which venue would be proper absent direct

filing United States District Court, for the Eastern District of North Carolina

6. Defendants (Check Defendants against whom Complaint is made):



A. American Medical Systems, Inc. ("AMS")

- ☐ B. Ethicon, Inc.
- ☐ D. Johnson & Johnson
- ☐ C. Boston Scientific Corporation
- ☐ D. C. R. Bard, Inc. (“Bard”)
- ☐ E. Sofradim Production SAS (“Sofradim”)
- ☐ F. Tissue Science Laboratories Limited (“TSL”)
- ☐ G. Mentor Worldwide LLC
- ☐ H. Coloplast Corp.
- ☐ I. Cook Incorporated
- ☐ J. Cook Biotech, Inc.
- ☐ K. Cook Medical, Inc.
- ☐ M. Desarrollo e Investigación Médica Aragonesa, S.L. (“DIMA”)
- ☐ N. Neomedic International, S.L.
- ☐ O. Neomedic Inc.
- ☐ P. Specialities Remeex International, S.L.

7. Basis of Jurisdiction

☒ Diversity of Citizenship

☐ Other: _____

A. Paragraphs in Master Complaint upon which venue and jurisdiction lie:

Paragraphs 1 - 13

B. Other allegations of jurisdiction and venue

A substantial portion of events occurred in this jurisdiction.

8. Defendants' products implanted in Plaintiff (Check products implanted in Plaintiff)

- ☐ A. Apogee;
- ☐ B. Perigee;
- ☒ C. MiniArc Sling;
- ☐ D. Monarc Subfascial Hammock;
- ☐ E. SPARC;
- ☐ F. In-Fast;
- ☐ G. BioArc;
- ☐ H. Elevate;
- ☐ I. Straight-In;
- ☒ J. Other

AMS, Inc. - IntePro Y-Sling

Bard, Inc. - Align R

9. Defendants' Products about which Plaintiff is making a claim. (Check applicable products)

- ☐ A. Apogee;
- ☐ B. Perigee;
- ☒ C. MiniArc Sling;
- ☐ D. Monarc Subfascial Hammock;
- ☐ E. SPARC;

- ☐ F. In-Fast;
- ☐ G. BioArc;
- ☐ H. Elevate;
- ☐ I. Straight-In;
- ☒ J. Other;

AMS, Inc. - IntePro Y-Sling

Bard, Inc. - Align R

10. Date of Implantation as to Each Product

6/23/2011 - AMS MiniArc

1/19/2012 - AMS IntePro Y-Sling

1/19/2012 - Bard, Inc. Align R

11. Hospital(s) where Plaintiff was implanted (including City and State)

AMS, Inc. MiniArc - Wilson Medical Center, Wilson, NC

AMS, Inc. IntePro Y-Sling & Bard, Inc.- Duke Raleigh Hospital, Raleigh, NC

12. Implanting Surgeon(s)

AMS, Inc. MiniArc - Jobe Metts, M.D.

AMS, Inc. IntePro Y-Sling & Bard, Inc. Align R - Jennifer Wu, M.D.

13. Counts in the Master Complaint brought by Plaintiff(s)

- ☒ Count I - Negligence
- ☒ Count II – Strict Liability – Design Defect
- ☒ Count III – Strict Liability – Manufacturing Defect
- ☒ Count IV – Strict Liability – Failure to Warn
- ☒ Count V - Strict Liability – Defective Product
- ☒ Count VI - Breach of Express Warranty
- ☒ Count VII – Breach of Implied Warranty

- ☒ Count VIII – Fraudulent Concealment
- ☒ Count IX – Constructive Fraud
- ☒ Count X - Discovery Rule, Tolling and Fraudulent Concealment
- ☒ Count XI – Negligent Misrepresentation
- ☒ Count XII – Negligent Infliction of Emotional Distress
- ☒ Count XIII – Violation of Consumer Protection Laws
- ☒ Count XIV – Gross Negligence
- ☒ Count XV - Unjust Enrichment
- ☒ Count XVI - (By the Spouse) – Loss of Consortium
- ☒ Count XVII – Punitive Damages
- ☐ Other _____ (please state the facts supporting this Count in the space, immediately below)
- ☐ Other _____ (please state the facts supporting this Count in the space, immediately below)

s/ Aimee H. Wagstaff

Attorney(s) for Plaintiff

Address, phone number, email address and bar information:

Aimee H. Wagstaff, CO SBN 36819
Andrus Wagstaff, PC
7171 West Alaska Drive
Lakewood, CO 80226
Tel: (303) 376-6360

Marc Grossman, NY SBN 0730
Randi Kassan, NY SBN 7541
100 Herricks Road
Mineola, NY 11501
Tel: (516) 741-5252